

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-8434-2023

Date of Decision: 31.05.2023

Chamkaur Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amaninder Singh Sekhon, Advocate for the petitioner

Mr. A.P.S Tung, DAG, Punjab

Mr. Jasdeep Singh Kailey, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.150 dated 13.12.2022 under Sections 306 & 120-B of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Jaitu District Faridkot.

2. The case of the prosecution is that wife of the petitioner has committed suicide by jumping in a river. There is no suicide note.

3. Learned counsel for the petitioner, *inter alia*, contends that petitioner is a 37 years old man and he is in custody since 17.12.2022. The marriage between the deceased and the petitioner was solemnized 17 years back and there is a 16 years old child from this wedlock. There is no suicide note and petitioner has handed over CCTV footage of the alleged date of incident. The deceased had adopted a minor daughter of

her sister and one day prior to the date of incident, she (sister of the deceased) had taken away the said child and deceased was depressed on account of this fact. The petitioner is an innocent person and he has not committed the alleged offence. Father-in-law of the deceased has been granted concession of anticipatory bail by this Court vide order dated 24.02.2023 passed in CRM-M-1992-2023. The petitioner is not involved in any other offence. The petitioner is permanent resident of District Sri Mukstar Sahib. There is no possibility of flee from justice. The continuation of incarceration would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family. No recovery is to be effected from the petitioner. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner has deep roots in the society.

4. Custody certificate dated 30.05.2023 is taken on record. As per custody certificate, the petitioner is in custody since 17.12.2022 and he is not involved in any other offence.

5. Learned State Counsel submits that police report has already been filed and charges stand framed. He further submits that out of 28 witnesses, none has been examined. The petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

6. In the case in hand, the petitioner is in custody since 17.12.2022 and he is not involved in any other offence. Police report

under Section 173 of Cr.P.C. stands filed and charges stand framed. No recovery is to be effected from the petitioner. The Trial Court yet has to return definite findings on the disputed issues. There are 28 prosecution witnesses and till date none has been examined, thus, there is abysmally low possibility of conclusion of trial in near future. Father of the petitioner has been granted concession of anticipatory bail vide order dated 24.02.2023 passed by this Court in CRM-M-1992-2023. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses.

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

8. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State

would be at liberty to move an application for cancellation of bail granted by this order.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

31.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>